

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 74

SENATE BILL 1318

AN ACT

AMENDING SECTIONS 37-171 AND 37-173, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 1.2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 37-177 AND 37-178; RELATING TO GEOSPATIAL DATA AND GEOGRAPHIC INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 37-171, Arizona Revised Statutes, is amended to read:

37-171. Definitions

In this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division.

~~2. "Remote sensing" means the science of measurement and interpretation of both conventional aerial photography and space imagery.~~

~~3. "Remote sensing techniques" means the processing of data to allow the interpreter to obtain useful information from remote sensing devices.~~

2. "GEOGRAPHIC INFORMATION SYSTEM" MEANS COMPUTER-BASED TECHNOLOGIES FOR STORING, MANIPULATING AND ANALYZING GEOSPATIAL DATA.

3. "GEOSPATIAL DATA" MEANS DIGITAL DATA USING GEOGRAPHIC OR PROJECTED MAP COORDINATE VALUES, IDENTIFICATION CODES AND ASSOCIATED DESCRIPTIVE DATA TO LOCATE AND DESCRIBE BOUNDARIES OR FEATURES ON, ABOVE OR BELOW THE SURFACE OF THE EARTH OR CHARACTERISTICS OF THE EARTH'S INHABITANTS OR ITS NATURAL OR HUMAN-CONSTRUCTED FEATURES.

4. "PUBLIC AGENCY" MEANS ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES, THIS STATE, ANOTHER STATE, A REGIONAL COUNCIL OF GOVERNMENTS IN THIS STATE, AN INDIAN TRIBE, NATION, COMMUNITY OR BAND, ANY POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE OR ANY FOREIGN COUNTRY.

~~4.~~ 5. "Resource analysis division" or "division" means the resource analysis division of the state land department.

Sec. 2. Section 37-173, Arizona Revised Statutes, is amended to read:

37-173. Duties

The division shall:

1. Establish a clearinghouse of information and a central repository for ~~map and imagery products and digital cartographic data~~ GEOSPATIAL DATA AND STATEWIDE GEOGRAPHIC INFORMATION SYSTEM SERVICES.

2. Provide ~~a~~ geographic information system SERVICES AND GEOSPATIAL DATA for the state land department and other public agencies in this state. ~~The system shall be capable of input, processing, display, compositing, analysis, synthesis and manipulation of data from maps, aerial photos, orthophotos, remote sensing devices and other spatial data sources. The division shall provide training and consultation in the use of the system, related technical assistance and limited production services to system users.~~

~~3. Provide current land resource information and monitor changes over time by remote sensing techniques.~~

3. FACILITATE THE SHARING OF GEOSPATIAL DATA AND GEOGRAPHIC INFORMATION SYSTEM SERVICES AMONG ALL PUBLIC AGENCIES TO ADDRESS THE NEEDS OF THIS STATE.

4. Prepare standards and specifications for developing, and ~~producing cartographic and aerial photographic products and geographic information systems~~ MAINTAINING AND SHARING GEOSPATIAL DATA AND GEOGRAPHIC INFORMATION SYSTEM SERVICES.

1 ~~5. Produce maps and inventories at standard scales for various areas~~
2 ~~to include combinations of data elements.~~

3 ~~6. Provide maps, aerial photographs and other remote sensing data to~~
4 ~~help analyze the following natural resources:~~

5 ~~(a) Producing mines, improvements to such mines and mills and smelters~~
6 ~~operated in conjunction with such mines.~~

7 ~~(b) Producing oil, gas and geothermal resources.~~

8 ~~(c) Rights of way on state trust lands.~~

9 ~~(d) Urban trust lands.~~

10 ~~(e) Forestry management lands and standing timber.~~

11 ~~(f) Rangeland resources.~~

12 ~~(g) Cropland resources.~~

13 ~~(h) Water ditches constructed for mining, manufacturing or irrigation~~
14 ~~purposes on state trust lands.~~

15 ~~(i) Other data relating to land and water resources in this state such~~
16 ~~as subsidence locations, irrigation districts and groundwater active~~
17 ~~management areas.~~

18 ~~7. 5. Function as the Arizona affiliate office for the national~~
19 ~~cartographic information center, with support from the United States~~
20 ~~geological survey and the Arizona state library, archives and public records,~~
21 ~~to access archived maps and imagery data sources to assist the mapping,~~
22 ~~inventorying and data handling segments of the division and outside users~~
23 ~~GEOGRAPHIC INFORMATION SYSTEMS AND GEOSPATIAL DATA COORDINATION INITIATIVES.~~

24 ~~8. 6. Establish a liaison relationship with the Arizona geological~~
25 ~~survey, the United States geological survey, regional federal mapping FEDERAL~~
26 ~~GEOSPATIAL organizations and other state and local government organizations~~
27 ~~in order to FACILITATE AND coordinate activities in this state relating to~~
28 ~~collecting, compiling, producing and processing cartographic materials,~~
29 ~~satellite imagery and land resource information SHARING GEOSPATIAL DATA,~~
30 ~~PROVIDING GEOGRAPHIC INFORMATION SYSTEM SERVICES AND USING A CLEARINGHOUSE.~~

31 ~~9. 7. Identify FEDERAL, STATE, REGIONAL, TRIBAL AND local digital~~
32 ~~cartographic data GOVERNMENT AND PRIVATE SECTOR GEOSPATIAL DATA AND~~
33 ~~GEOGRAPHIC INFORMATION SYSTEM SERVICES to include in the national digital~~
34 ~~cartographic data base CLEARINGHOUSE.~~

35 ~~10. 8. Coordinate the development AND MAINTENANCE of a GEOSPATIAL~~
36 ~~public land survey system monument data base AND CADASTRAL DATABASE WITH~~
37 ~~RESPONSIBLE FEDERAL, STATE AND LOCAL AGENCIES.~~

38 ~~11. 9. Within ninety days after receiving data files of known areas of~~
39 ~~earth fissures from the Arizona geological survey pursuant to section~~
40 ~~27-152.01, paragraph 3, produce maps of those areas with overlays showing~~
41 ~~affected counties, cities, towns, highways and streets. The division shall~~
42 ~~transmit the maps in printed and electronic format to the Arizona geological~~
43 ~~survey and the state real estate department for purposes of providing public~~
44 ~~access to the earth fissure maps pursuant to sections 27-152.01 and 32-2117.~~

1 Sec. 3. Title 37, chapter 1.2, article 1, Arizona Revised Statutes, is
2 amended by adding sections 37-177 and 37-178, to read:

3 37-177. Arizona geographic information council

4 A. THE ARIZONA GEOGRAPHIC INFORMATION COUNCIL IS ESTABLISHED IN THE
5 DEPARTMENT CONSISTING OF THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE
6 GOVERNOR:

- 7 1. EIGHTEEN MEMBERS REPRESENTING STATE AGENCIES AND INSTRUMENTALITIES.
8 2. SIX MEMBERS REPRESENTING FEDERAL GOVERNMENTAL AGENCIES.
9 3. ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF COUNTY
10 GOVERNMENTS.

11 4. ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF MUNICIPAL
12 GOVERNMENTS.

13 5. SIX MEMBERS REPRESENTING GEOGRAPHIC INFORMATION SYSTEMS CONSORTIA
14 OR LOCAL GOVERNMENTS.

15 6. ONE MEMBER REPRESENTING AN ARIZONA INDIAN TRIBAL NATION.

16 7. ONE MEMBER REPRESENTING A PROFESSIONAL GEOSPATIAL ORGANIZATION.

17 8. ONE MEMBER REPRESENTING THE PRIVATE SECTOR.

18 B. THE GOVERNOR SHALL APPOINT MEMBERS OF THE COUNCIL FOR STAGGERED
19 THREE YEAR TERMS OF OFFICE, BUT THE GOVERNOR MAY REMOVE A MEMBER FOR CAUSE.
20 VACANCIES SHALL BE FILLED FOR AN UNEXPIRED TERM IN THE SAME MANNER AS
21 ORIGINAL APPOINTMENTS. THE COUNCIL SHALL ANNUALLY ELECT A CHAIRPERSON,
22 VICE-CHAIRPERSON AND OTHER OFFICERS IT CONSIDERS NECESSARY.

23 C. MEMBERS OF THE COUNCIL ARE NOT ELIGIBLE TO RECEIVE COMPENSATION,
24 BUT, SUBJECT TO THE AVAILABILITY OF MONIES, ARE ELIGIBLE TO RECEIVE
25 REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

26 D. THE COUNCIL SHALL:

27 1. ADVISE THE ARIZONA STATE CARTOGRAPHER'S OFFICE ON MATTERS RELATED
28 TO GEOSPATIAL DATA SHARING AND APPROPRIATE STRATEGIES TO SUPPORT A GEOSPATIAL
29 CLEARINGHOUSE AND STATEWIDE GEOGRAPHIC INFORMATION SYSTEM.

30 2. FACILITATE INTERAGENCY COORDINATION FOR THE PURPOSE OF GEOSPATIAL
31 DATA SHARING AND SUPPORTING A GEOSPATIAL CLEARINGHOUSE, A STATEWIDE
32 GEOGRAPHIC INFORMATION SYSTEM AND LOCATION-BASED SERVICES THAT ENHANCE AND
33 SUPPORT FEDERAL, STATE AND LOCAL GOVERNMENT BUSINESS SYSTEMS, INCLUDING
34 EMERGENCY PREPAREDNESS AND OTHER DISASTER MITIGATION RESPONSE SYSTEMS.

35 3. COLLECT INFORMATION ON USER REQUIREMENTS ON MATTERS RELATED TO
36 GEOGRAPHIC INFORMATION SYSTEMS, GEOSPATIAL DATA, TECHNOLOGIES, PRODUCTS,
37 SERVICES, STANDARDS, PROGRAMS AND ACTIVITIES AND PRIORITIZE THOSE
38 REQUIREMENTS TO THE ARIZONA STATE CARTOGRAPHER'S OFFICE, THE UNITED STATES
39 GEOLOGICAL SURVEY AND OTHER PRODUCERS OF GEOSPATIAL DATA.

40 4. SERVE AS A FORUM TO FACILITATE INFORMATIONAL EXCHANGE BETWEEN
41 FEDERAL, STATE, TRIBAL, REGIONAL AND LOCAL GOVERNMENTS, THE PRIVATE SECTOR
42 AND PROFESSIONAL ASSOCIATIONS.

43 5. APPOINT TECHNICAL COMMITTEES AS NECESSARY.

1 37-178. Geospatial data sharing

2 A. A PUBLIC AGENCY THAT SHARES GEOSPATIAL DATA WITH ANOTHER PUBLIC
3 AGENCY MAY:

4 1. SHARE GEOSPATIAL DATA WITHOUT ENTERING INTO A WRITTEN AGREEMENT
5 WITH THE OTHER PUBLIC AGENCY.

6 2. SHARE GEOSPATIAL DATA OF WHICH IT IS THE CUSTODIAN.

7 3. RETAIN CUSTODIAL OWNERSHIP OF ANY GEOSPATIAL DATA PROVIDED TO OTHER
8 PUBLIC AGENCIES.

9 4. PROHIBIT SHARED DATA FROM BEING REDISTRIBUTED BY RECIPIENT PUBLIC
10 AGENCIES IF NOTIFICATION OF THE PROHIBITION IS GIVEN.

11 B. A PUBLIC AGENCY THAT SHARES GEOSPATIAL DATA MAY EXEMPT THE DATA
12 FROM COMMERCIAL USE FEES PRESCRIBED IN SECTION 39-121.03, SUBSECTION A,
13 PARAGRAPH 3.

14 C. A PUBLIC AGENCY THAT SHARES GEOSPATIAL DATA OF WHICH IT IS THE
15 CUSTODIAN IS NOT LIABLE FOR ERRORS, INACCURACIES OR OMISSIONS AND SHALL BE
16 HELD HARMLESS FROM AND AGAINST ALL DAMAGE, LOSS OR LIABILITY ARISING FROM ANY
17 USE OF GEOSPATIAL DATA THAT IS SHARED.

18 D. A PUBLIC AGENCY THAT SHARES GEOSPATIAL DATA OR RECEIVES SHARED
19 GEOSPATIAL DATA MAY WITHHOLD THE SHARED DATA FROM PUBLIC DISCLOSURE IF THE
20 DATA CONSIST OF CRITICAL INFRASTRUCTURE INFORMATION AS DEFINED IN SECTION
21 41-1801.

22 Sec. 4. Initial members of the Arizona geographic information
23 council

24 A. Notwithstanding section 37-177, Arizona Revised Statutes, as added
25 by this act, the incumbent members of the Arizona geographic information
26 council, established by executive order, are entitled to continue to serve as
27 members of the council as established by this act.

28 B. The governor shall make all additional and subsequent appointments
29 as prescribed by section 37-177, Arizona Revised Statutes, as added by this
30 act.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.